

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Vasek Pospisil, Nicholas Kyrgios, Anastasia Rodionova, Nicole Melichar-Martinez, Saisai Zheng, Sorana Cîrstea, John-Patrick Smith, Noah Rubin, Aldila Sutjiadi, Varvara Gracheva, Tennys Sandgren, and Reilly Opelka, on behalf of themselves and all others similarly situated,

-and-

The Professional Tennis Players Association,

Plaintiffs,

v.

ATP Tour, Inc., WTA Tour, Inc., International Tennis Federation Ltd., and International Tennis Integrity Agency Ltd.,

Defendants.

Civil Action No. 1:25-cv-02207-MMG

**DECLARATION OF NOWELL D. BAMBERGER
IN SUPPORT OF MOTION TO COMPEL ARBITRATION**

I, Nowell D. Bamberger, declare under penalty of perjury as follows:

1. I am a partner in the law firm Cleary Gottlieb Steen & Hamilton LLP, counsel for the International Tennis Federation Ltd. (“ITF”). I am not admitted in this Court but am in the process of applying for admission *pro hac vice*. I am duly licensed and admitted to practice law in the State of Maryland and the District of Columbia. I am also a solicitor licensed to practice law before the Senior Courts in England and Wales. I respectfully submit this declaration in support of ITF’s Motion to Compel Arbitration.

2. Attached hereto as **Exhibits 1–3** are true and correct copies of the following documents, cited in the Memorandum of Law:

Ex. Document

1. UK Arbitration Act 1996 §§ 1, 30. Amendments to the Arbitration Act 1996, in the form of the Arbitration Act 2025, received royal assent on February 24, 2025 but have not yet come into force.
2. Enka Insaat Ve Sanayi AS v OOO Insurance Company Chubb [2020] UKSC 38, a decision of the UK Supreme Court.
3. Parker-Grennan v. Camelot UK Lotteries Ltd. [2024] EWCA (Civ) 185, a decision of the Court of Appeals in England and Wales.

3. Attached hereto as **Exhibits 4–10** are screenshots from the ITF’s website, including archival screenshots retrieved from <https://wayback.archive.org/>:

- a. **Exhibit 4** is from March 21, 2009, and depicts the availability of the Men’s Pro Circuit (now known as World Tennis Tour) Regulations.
- b. **Exhibit 5** is from April 1, 2009, and depicts the availability of the Women’s Pro Circuit (now known as World Tennis Tour) Regulations.
- c. **Exhibit 6** is from February 11, 2010, and depicts the availability of the ITF Constitution.
- d. **Exhibit 7** is from December 9, 2021, and depicts the availability of the Men’s and Women’s World Tennis Tour Regulations.
- e. **Exhibit 8** is from December 9, 2021, and depicts the availability of the ITF Constitution.
- f. **Exhibit 9** is from May 20, 2025 and depicts the availability of the ITF Constitution.

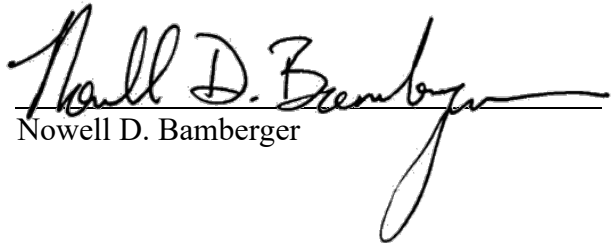
g. **Exhibit 10** is from May 20, 2025 and depicts the availability of the Men's and Women's World Tennis Tour Regulations.

4. Attached hereto as **Exhibit 11** is the currently-in-force Procedural Rules of the Court of Arbitration for Sport ("CAS Code"), which states in relevant part that "[t]he Panel shall rule on its own jurisdiction, irrespective of any legal action already pending before a State court or another arbitral tribunal relating to the same object between the same parties, unless substantive grounds require a suspension of the proceedings."

5. Attached hereto as **Exhibit 12** is the 2012 edition of the CAS Code, which contains materially the same language as in Exhibit 10.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on May 20, 2025
Washington, D.C.


Nowell D. Bamberger